

CARMEL REDEVELOPMENT COMMISSION Meeting, Monday, October 25, 2010

Vice President Bill Hammer called the meeting to order at 6:30 p.m. Commission members Carolyn Anker and Jeff Worrell were present, constituting a quorum. Also present were Les Olds, Karl Haas, Don Cleveland, Megan McVicker, Michael Lee and Matt Worthley.

Others present:

Mayor Brainard, Jim Higgins, Teresa Carusillo, Bruce Donaldson, Mike Anderson and Brandon Weddle

Mr. Hammer announced the resignation of Mr. Crowley and thanked Mr. Crowley for his help and input during his term.

Mr. Hammer wished a speedy recovery to Mr. Carter.

The Pledge of Allegiance was said.

Approval of Minutes

September 8, 2010: Moved for approval by Mr. Worrell, seconded by Ms. Anker and unanimously approved.

September 15, 2010: Moved for approval by Ms. Anker. Mr. Worrell stated he was not present for the September 15, 2010 meeting and questioned the policy on approving the minutes if a Commissioner was not present at the meeting in question.

Mr. Haas stated there is nothing prohibiting Commissioners from voting for approval if he/she was not in attendance at the meeting; however, Mr. Haas stated his opinion that the Commissioner should not vote and recommended postponing until the quorum of Commissioners that were in attendance at the meeting were available for approval.

Mr. Worrell abstained from voting for approval of the September 15, 2010 minutes.

Mr. Haas reminded Commissioners that unanimity is needed in all votes taken at the October 25, 2010 meeting, as three commissioners' votes are needed to represent a quorum for approval.

It was decided a vote for approval of the September 15, 2010 minutes would be taken at a later time.

September 21, 2010: Due to the same reasoning for the September 15, 2010 meeting minutes, it was decided a vote for approval of the September 21, 2010 minutes would be taken at a later time.

Financial Matters

Mr. Higgins announced the September 2010 end of month operating balance for the CRC General Fund is \$11,359,054.

Mr. Worrell asked Mr. Higgins for an assessment of London Witte's time as CRC Treasurer so far and his thoughts on the finances. Mr. Higgins gave an update and assessment.

Mr. Higgins requested the Commission's approval to pay invoices for the CRC General Fund in the amount of \$1,133,405.55. Mr. Worrell moved to approve CRC General Fund claims as submitted and seconded by Ms. Anker. Discussion ensued regarding payments and amounts for professional services of Coonrod & Associates, London Witte Group and the Go2Girls. Unanimously approved.

Mr. Higgins requested the approval of PAC invoices for regular construction in the amount of \$1,521,353.03. Mr. Worrell moved to approve expenditures payable from the PAC Construction fund, seconded by Ms. Anker. Discussion ensued regarding the separation of legal costs associated with the roof repair claim reimbursements. Passed unanimously.

Mr. Higgins stated, after review of the September 15, 2010 meeting minutes, the 902 Fund expenditure totaling \$801,903.13 was not officially approved at that meeting. Mr. Higgins stated the action received a motion and a second but a vote was not taken. Mr. Higgins requested a formal vote be taken. Ms. Anker moved to approve 902 Fund claims in the amount to cover September 15 invoices in the amount of \$801,903.13, seconded by Mr. Worrell. Ms. Anker stated she was comfortable in approving because a thorough discussion regarding the invoices was held previously. Mr. Higgins stated this was merely a housekeeping issue. Passed unanimously.

Ratification of Utility Invoices Previously Paid with CRC's Approval

Mr. Higgins presented three utility bills totaling \$25,978.95 that were authorized by the President of the Redevelopment Commission to be paid prior to the next scheduled Commission meeting so as not to incur interest. Mr. Higgins stated the City Clerk-Treasurer has been given authority by City Council to pay certain expenses that come up between City Council meetings, including utility bills, rent payments, and tax bills. Since assuming the role as CRC Treasurer, London Witte Group did not have the same authorization as the Clerk-Treasurer for those types of payments and requires approval from the Executive Director and the Commission before making any payment at the present time. Mr. Higgins requested the ratification of the utility invoices that were previously paid with CRC approval since last month's meeting.

Mr. Worrell moved to approve the ratification of contracts for utility invoices previously paid in the amount of \$25,978.95, seconded by Ms. Anker. Passed unanimously.

Approval of Resolution 2010-12 re: Authorizing CRC Staff to Make Utility, Bank Interest and Rent Payments Prior to Regular CRC Meeting

Mr. Higgins presented a resolution that would authorize payment of certain claims, including utility, bank interest and rent payments, submitted in advance of Commission approval. Mr. Higgins stated the language in the resolution mirrors what the City Clerk-Treasurer has been authorized by the City Council and is pulled directly from the statute.

Ms. Anker moved the Commission authorize the CRC Staff to make utility, bank interest and rent payments prior to regular CRC Meetings. Seconded by Mr. Worrell. Mr. Worrell reiterated this follows statute that already exists. Mr. Higgins clarified there is no check that is signed that is not signed off by the Executive Director first. Unanimously approved.

No change orders were presented for approval.

Committee Reports

No updates at this time.

Update on Properties

Mr. Weddle with REI Construction, Project Manager for Parcel 7C, gave an update and slideshow presentation on the construction progress.

Mr. Anderson with Shiel Sexton, Construction Manager for the RPAC, gave an update and slideshow presentation on the construction progress.

Mr. Olds opened the floor to questions regarding properties outlined in the monthly Commissioners' packet. Discussion ensued with regards to the Parcel 5A City Center project.

Old Town Arts & Design District

Ms. McVicker announced a Clarian North Gallery Walk will take place in the Arts & Design District on Saturday, November 6 from 5-10 p.m.

Old Business

Contractor Settlement Claim for Dome Steel Repair Delay of Work – Poynter Sheet Metal

Mr. Olds presented a contractor settlement claim with Poynter Sheet Metal in the amount of \$50,000. Mr. Olds stated this is one of three dome steel repair delay of work claims that will be presented at the evening meeting. Mr. Olds stated all claims to be presented at the meeting have been settled for less than what was requested and, after review with counsel and the Construction Manager, have been deemed fair claims. Mr. Olds reiterated the funds the Commission is approving to pay the claims will be part of the overall settlement claim against the contractor's insurance company.

Ms. Anker moved the Commission approve the RPAC delay claim by Poynter Sheet Metal in the amount of \$50,000, subject to available funding. Seconded by Mr. Worrell. Ms. Anker and Mr. Worrell stated they were pleased with the overall number of claims

settled and the amounts of the claims that will hopefully be recovered from the insurance company. Passed unanimously.

Contractor Settlement Claim for Dome Steel Repair Delay of Work – Beaubois

Mr. Worrell moved to approve RPAC delay claim by Beaubois in the amount of \$40,000, seconded by Ms. Anker. Unanimously approved.

Contractor Settlement Claim for Dome Steel Repair Delay of Work – W.R. Dunkin

Ms. Anker moved to approve the RPAC delay claim by W.R. Dunkin & Sons in the amount of \$68,760, subject to available funding. Seconded by Mr. Worrell and passed unanimously.

New Business

Approval of Resolution 2010-13 re: Energy Center Sale

Bruce Donaldson, counsel with Barnes & Thornburg, presented Resolution 2010-13 re: Energy Center Sale. Mr. Donaldson stated the resolution allows the Commission to refinance the Energy Center that currently is designed to serve the Concert Hall, Main Stage Theater and Office Building in the Center for the Performing Arts complex. Mr. Donaldson stated the refinancing will generate funds to build lines to City Hall, police & fire headquarters and do retrofitting in those buildings that will allow the Energy Center to serve those City facilities as well as the Center for the Performing Arts buildings with heated and chilled water.

Discussion ensued with regards to the state of the current utilities for the City buildings and the process and structure of the sale.

Mr. Worrell moved to approve Resolution 2010-13 approving the form and authorizing the CRC the execution of a proposed Installment Purchase Agreement between CFP Carmel, Indiana Energy Center, LLC and the City of Carmel Redevelopment Commission, and authorizing certain matters related thereto. Seconded by Ms. Anker. Discussion ensued. Passed unanimously.

Ratification of Contracts for Infrastructure and PAC Equipment

Mr. Olds requested ratification of the contracts and purchase orders for infrastructure and PAC equipment, including security infrastructure, box office equipment, phone, cameras and computers, presented for ratification in the amount of \$964,043.72. Mr. Olds outlined the various contracts and items included in the contracts.

Ms. Anker moved to ratify contracts for security infrastructure, box office equipment, phone, cameras and computers, in the amount of \$964,043.72, seconded by Mr. Worrell. Discussion ensued.

Ms. Anker questioned if the amounts were contemplated in the budget. Mr. Olds stated adequate funds are in the accounts to cover the contracts. Discussion ensued with regard to items included in the contracts to be approved and the reasoning for ratification.

Passed unanimously.

CRC Meeting, October 25, 2010

Parcel 111 – Veterans Way/Plazas - Fountain Work Infrastructure in Right-of-Way

Mr. Olds stated this work is for waterproof topping for the membrane and brick topping as well as the brick on the exterior walls in the motor court area. This area will serve as overflow parking for the concert hall. Funding is in place for this project.

Mr. Worrell moved to approve the contracts in the amount of \$574,423.30 for the Parcel #5 Motor Court. Seconded by Ms. Anker and unanimously approved.

Other Business

None at this time.

Announcements

None at this time.

Adjournment

Ms. Anker moved the meeting be adjourned and seconded by Mr. Worrell. The meeting was adjourned at 7:44 p.m.

The next regularly scheduled meeting is Wednesday, November 17 at 6:30 p.m.